

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1603 - HB 1789

April 3, 2009

SUMMARY OF BILL: Redefines “crime of violence” to include the attempt to commit or the offense of rape of a child, aggravated rape of a child, aggravated sexual battery, carjacking, aggravated burglary, especially aggravated kidnapping, aggravated arson, and aggravated child abuse, and deletes burglary. Defines “felony drug offense” as a felony offense or attempt to commit a felony offense which includes as a statutory element any controlled substance, provided that a conviction for a felony drug offense involving a Schedule VI controlled substance shall not apply following 10 years from the expiration of the person’s sentence, probation, parole, or other form of release.

Removes the Class B misdemeanor classification for second and subsequent violations of unlawful possession or carrying of a weapon and deletes the \$500 fine. First and subsequent violations will be punished as a Class C misdemeanor. When a person carries a handgun in a public place where one or more persons are present, the offense remains a Class A misdemeanor. Limits the Class E felony for persons convicted of violent or drug-related felonies from those who carry firearms to those who carry a handgun. Deletes the Class E felony for a person who has been convicted of a felony to possess a handgun. Broadens the Class E felony offense of unlawful possession of a weapon to include a person who possesses any deadly weapon with the intent to employ it in the commission of or escape from an offense. Deletes the references to attempts to commit an offense.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue – Not Significant

State Expenditures – Net Impact – Not Significant /Incarceration*

Decrease Local Revenue – Not Significant

Decrease Local Expenditures – Not Significant

Assumptions:

- A small decrease in cases in the court system, which will result in reduced state and local government expenditures for processing the

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cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

- Definitional changes will result in a slight decrease in some convictions and a slight increase in others. The Department of Correction will have a not significant net impact in incarceration costs as a result of this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc